

Calendar No. 70

109TH CONGRESS
1ST SESSION

S. 362

[Report No. 109–56]

To establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2005

Mr. INOUE (for himself, Mr. STEVENS, Ms. CANTWELL, Ms. SNOWE, Mr. KERRY, Mr. LAUTENBERG, Mr. SARBANES, Mr. AKAKA, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

APRIL 13, 2005

Reported by Mr. STEVENS, with an amendment

[Omit the part struck through and insert the part printed in italic]

A BILL

To establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Marine Debris Re-
5 search Prevention and Reduction Act”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—The Congress makes the following
8 findings:

9 (1) The oceans, which comprise nearly three
10 quarters of the Earth’s surface, are an important
11 source of food and provide a wealth of other natural
12 products that are important to the economy of the
13 United States and the world.

14 (2) Ocean and coastal areas are regions of re-
15 markably high biological productivity, are of consid-
16 erable importance for a variety of recreational and
17 commercial activities, and provide a vital means of
18 transportation.

19 (3) Ocean and coastal resources are limited and
20 susceptible to change as a direct and indirect result
21 of human activities, and such changes can impact
22 the ability of the ocean to provide the benefits upon
23 which the Nation depends.

24 (4) Marine debris, including plastics, derelict
25 fishing gear, and a wide variety of other objects, has

1 a harmful and persistent effect on marine flora and
2 fauna and can have adverse impacts on human
3 health.

4 (5) Marine debris is also a hazard to naviga-
5 tion, putting mariners and rescuers, their vessels,
6 and consequently the marine environment at risk,
7 and can cause economic loss due to entanglement of
8 vessel systems.

9 (6) Modern plastic materials persist for decades
10 in the marine environment and therefore pose the
11 greatest potential for long-term damage to the ma-
12 rine environment.

13 (7) Insufficient knowledge and data on the
14 source, movement, and effects of plastics and other
15 marine debris in marine ecosystems has hampered
16 efforts to develop effective approaches for addressing
17 marine debris.

18 (8) Lack of resources, inadequate attention to
19 this issue, and poor coordination at the Federal level
20 has undermined the development and implementa-
21 tion of a Federal program to address marine debris,
22 both domestically and internationally.

23 (b) PURPOSES.—The purposes of this Act are—

24 (1) to establish programs within the National
25 Oceanic and Atmospheric Administration and the

1 United States Coast Guard to help identify, deter-
2 mine sources of, assess, reduce, and prevent marine
3 debris and its adverse impacts on the marine envi-
4 ronment and navigation safety, in coordination with
5 other Federal and non-Federal entities;

6 (2) to re-establish the Inter-agency Marine De-
7bris Coordinating Committee to ensure a coordinated
8 government response across Federal agencies;

9 (3) to develop a Federal information clearing-
10 house to enable researchers to study the sources,
11 scale and impact of marine debris more efficiently;
12 and

13 (4) to take appropriate action in the inter-
14 national community to prevent marine debris and re-
15 duce concentrations of existing debris on a global
16 scale.

17 **SEC. 3. NOAA MARINE DEBRIS PREVENTION AND REMOVAL**
18 **PROGRAM.**

19 (a) ESTABLISHMENT OF PROGRAM.—There is estab-
20 lished, within the National Oceanic and Atmospheric Ad-
21 ministration, a Marine Debris Prevention and Removal
22 Program to reduce and prevent the occurrence and ad-
23 verse impacts of marine debris on the marine environment
24 and navigation safety.

1 (b) PROGRAM COMPONENTS.—Through the Marine
2 Debris Prevention and Removal Program, the Adminis-
3 trator shall carry out the following activities:

4 (1) MAPPING, IDENTIFICATION, IMPACT AS-
5 SESSMENT, REMOVAL, AND PREVENTION.—The Ad-
6 ministrator shall, in consultation with relevant Fed-
7 eral agencies, undertake marine debris mapping,
8 identification, impact assessment, prevention, and re-
9 moval efforts, with a focus on marine debris posing
10 a threat to living marine resources (particularly en-
11 dangered or protected species) and navigation safety,
12 including—

13 (A) the establishment of a process, build-
14 ing on existing information sources maintained
15 by Federal agencies such as the Environmental
16 Protection Agency and the Coast Guard, for
17 cataloguing and maintaining an inventory of
18 marine debris and its impacts found in the
19 United States navigable waters and the United
20 States exclusive economic zone, including loca-
21 tion, material, size, age, and origin, and im-
22 pacts on habitat, living marine resources,
23 human health, and navigation safety;

24 (B) measures to identify the origin, loca-
25 tion, and projected movement of marine debris

1 within the United States navigable waters, the
2 United States exclusive economic zone, and the
3 high seas, including the use of oceanographic,
4 atmospheric, satellite, and remote sensing data;
5 and

6 (C) development and implementation of
7 strategies, methods, priorities, and a plan for
8 preventing and removing marine debris from
9 United States navigable waters and within the
10 United States exclusive economic zone, includ-
11 ing development of local or regional protocols
12 for removal of derelict fishing gear.

13 (2) REDUCING AND PREVENTING LOSS OF
14 GEAR.—The Administrator shall improve efforts and
15 actively seek to prevent and reduce fishing gear
16 losses, as well as to reduce adverse impacts of such
17 gear on living marine resources and navigation safe-
18 ty, including—

19 (A) research and development of alter-
20 natives to gear posing threats to the marine en-
21 vironment, and methods for marking gear used
22 in specific fisheries to enhance the tracking, re-
23 covery, and identification of lost and discarded
24 gear; and

1 (B) development of voluntary or manda-
2 tory measures to reduce the loss and discard of
3 fishing gear, and to aid its recovery, such as in-
4 centive programs, reporting loss and recovery of
5 gear, observer programs, toll-free reporting hot-
6 lines, computer-based notification forms, and
7 providing adequate and free disposal recepticals
8 at ports.

9 (3) OUTREACH.—The Administrator shall un-
10 dertake outreach and education of the public and
11 other stakeholders, such as the fishing industry,
12 fishing gear manufacturers, and other marine-de-
13 pendent industries, on sources of marine debris,
14 threats associated with marine debris and ap-
15 proaches to identify, determine sources of, assess,
16 reduce, and prevent marine debris and its adverse
17 impacts on the marine environment and navigational
18 safety. Including outreach and education activities
19 through public-private initiatives. The Administrator
20 shall coordinate outreach and education activities
21 under this paragraph with any outreach programs
22 conducted under section 2204 of the Marine Plastic
23 Pollution Research and Control Act of 1987 (33
24 U.S.C. 1915).

25 (c) GRANTS.—

1 (1) IN GENERAL.—The Administrator shall pro-
 2 vide financial assistance, in the form of grants,
 3 through the Marine Debris Prevention and Removal
 4 Program for projects to accomplish the purposes of
 5 this Act.

6 (2) 50 PERCENT MATCHING REQUIREMENT.—

7 (A) IN GENERAL.—Except as provided in
 8 subparagraph (B), Federal funds for any
 9 project under this section may not exceed 50
 10 percent of the total cost of such project. For
 11 purposes of this subparagraph, the non-Federal
 12 share of project costs may be provided by in-
 13 kind contributions and other noncash support.

14 (B) WAIVER.—The Administrator may
 15 waive all or part of the matching requirement
 16 under subparagraph (A) if the Administrator
 17 determines that no reasonable means are avail-
 18 able through which applicants can meet the
 19 matching requirement and the probable benefit
 20 of such project outweighs the public interest in
 21 such matching requirement.

22 (3) AMOUNTS PAID AND SERVICES RENDERED
 23 UNDER CONSENT.—

24 (A) CONSENT DECREES AND ORDERS.—

25 The non-Federal share of the cost of a project

1 carried out under this Act may include money
2 paid pursuant to, or the value of any in-kind
3 service performed under, an administrative
4 order on consent or judicial consent decree that
5 will remove or prevent marine debris.

6 (B) OTHER DECREES AND ORDERS.—The
7 non-Federal share of the cost of a project car-
8 ried out under this Act may not include any
9 money paid pursuant to, or the value of any in-
10 kind service performed under, any other admin-
11 istrative order or court order.

12 (4) ELIGIBILITY.—Any natural resource man-
13 agement authority of a State, Federal or other gov-
14 ernment authority whose activities directly or indi-
15 rectly affect research or regulation of marine debris,
16 and any educational or nongovernmental institutions
17 with demonstrated expertise in a field related to ma-
18 rine debris, are eligible to submit to the Adminis-
19 trator a marine debris proposal under the grant pro-
20 gram.

21 (5) GRANT CRITERIA AND GUIDELINES.—With-
22 in 180 days after the date of enactment of this Act,
23 the Administrator shall promulgate necessary guide-
24 lines for implementation of the grant program, in-
25 cluding development of criteria and priorities for

1 grants. Such priorities may include proposals that
2 would reduce new sources of marine debris and pro-
3 vide additional benefits to the public, such as recy-
4 cling of marine debris or use of biodegradable mate-
5 rials. In developing those guidelines, the Adminis-
6 trator shall consult with—

7 (A) the Interagency Marine Debris Com-
8 mittee;

9 (B) regional fishery management councils
10 established under the Magnuson-Stevens Fish-
11 ery Conservation and Management Act (16
12 U.S.C. 1801 et seq.);

13 (C) State, regional, and local governmental
14 entities with marine debris experience;

15 (D) marine-dependent industries; and

16 (E) non-governmental organizations in-
17 volved in marine debris research, prevention, or
18 removal activities.

19 (6) PROJECT REVIEW AND APPROVAL.—The
20 Administrator shall review each marine debris
21 project proposal to determine if it meets the grant
22 criteria and supports the goals of the Act. Not later
23 than 120 days after receiving a project proposal
24 under this section, the Administrator shall—

1 (A) provide for external merit-based peer
2 review of the proposal;

3 (B) after considering any written com-
4 ments and recommendations based on the re-
5 view, approve or disapprove the proposal; and

6 (C) provide written notification of that ap-
7 proval or disapproval to the person who sub-
8 mitted the proposal.

9 (7) PROJECT REPORTING.—Each grantee under
10 this section shall provide periodic reports as required
11 by the Administrator. Each report shall include all
12 information required by the Administrator for evalu-
13 ating the progress and success in meeting its stated
14 goals, and impact on the marine debris problem.

15 **SEC. 4. COAST GUARD PROGRAM.**

16 The Commandant of the Coast Guard shall, in co-
17 operation with the Administrator, undertake measures to
18 reduce violations of MARPOL Annex V and the Act to
19 Prevent Pollution from Ships (33 U.S.C. 1901 et seq.)
20 with respect to the discard of plastics and other garbage
21 from vessels. The measures shall include—

22 (1) the development of a strategy to improve
23 monitoring and enforcement of current laws, as well
24 as recommendations for statutory or regulatory

1 changes to improve compliance and for the develop-
2 ment of any appropriate amendments to MARPOL;

3 (2) regulations to address implementation gaps
4 with respect to the requirement of MARPOL Annex
5 V and section 6 of the Act to Prevent Pollution from
6 Ships (33 U.S.C. 1905) that all United States ports
7 and terminals maintain receptacles for disposing of
8 plastics and other garbage, which may include meas-
9 ures to ensure that a sufficient quantity of such fa-
10 cilities exist at all such ports and terminals, require-
11 ments for logging the waste received, and for Coast
12 Guard comparison of vessel and port log books to
13 determine compliance;

14 (3) regulations to close record keeping gaps,
15 which may include requiring fishing vessels under
16 400 gross tons entering United States ports to
17 maintain records subject to Coast Guard inspection
18 on the disposal of plastics and other garbage, that,
19 at a minimum, include the time, date, type of gar-
20 bage, quantity, and location of discharge by latitude
21 and longitude or, if discharged on land, the name of
22 the port where such material is offloaded for ~~dis-~~
23 ~~posal~~; *disposal, taking into account potential eco-*
24 *nomic impacts and technical feasibility;*

1 (4) regulations to improve ship-board waste
 2 management, which may include expanding to small-
 3 er vessels existing requirements to maintain ship-
 4 board receptacles and maintain a ship-board waste
 5 management plan, taking into account potential eco-
 6 nomic impacts and technical feasibility;

7 (5) the development, through outreach to com-
 8 mercial vessel operators and recreational boaters, of
 9 a voluntary reporting program, along with the estab-
 10 lishment of a central reporting location, for incidents
 11 of damage to vessels caused by marine debris, as
 12 well as observed violations of existing laws and regu-
 13 lations relating to disposal of plastics and other ma-
 14 rine debris; and

15 (6) a voluntary program encouraging United
 16 States flag vessels to inform the Coast Guard of any
 17 ports in other countries that lack adequate port re-
 18 ception facilities for garbage.

19 **SEC. 5. INTERAGENCY COORDINATION.**

20 (a) INTERAGENCY MARINE DEBRIS COMMITTEE ES-
 21 TABLISHED.—There is established an Interagency Com-
 22 mittee on Marine Debris to coordinate a comprehensive
 23 program of marine debris research and activities among
 24 Federal agencies, in cooperation and coordination with
 25 non-governmental organizations, industry, universities,

1 and research institutions, State governments, Indian
2 tribes, and other nations, as appropriate, and to foster
3 cost-effective mechanisms to identify, determine sources
4 of, assess, reduce, and prevent marine debris, and its ad-
5 verse impact on the marine environment and navigational
6 safety, including the joint funding of research and mitiga-
7 tion and prevention strategies.

8 (b) MEMBERSHIP.—The Committee shall include a
9 senior official from—

10 (1) the National Oceanic and Atmospheric Ad-
11 ministration, who shall serve as the chairperson of
12 the Committee;

13 (2) the United States Coast Guard;

14 (3) the Environmental Protection Agency;

15 (4) the United States Navy;

16 (5) the Maritime Administration of the Depart-
17 ment of Transportation;

18 (6) the National Aeronautics and Space Admin-
19 istration;

20 (7) the U.S. Fish and Wildlife Service;

21 (8) the Department of State;

22 (9) the Marine Mammal Commission; and

23 (10) such other Federal agencies that have an
24 interest in ocean issues or water pollution prevention

1 and control as the Administrator determines appro-
2 priate.

3 (c) MEETINGS.—The Committee shall meet at least
4 twice a year to provide a public, interagency forum to en-
5 sure the coordination of national and international re-
6 search, monitoring, education, and regulatory actions ad-
7 dressing the persistent marine debris problem.

8 (d) DEFINITION.—The Committee shall develop and
9 promulgate through regulation a definition of the term
10 “marine debris”.

11 (e) REPORTING.—

12 (1) INTERAGENCY REPORT ON MARINE DEBRIS
13 IMPACTS AND STRATEGIES.—Not later than 12
14 months after the date of the enactment of this Act,
15 the Committee, through the chairperson, and in co-
16 operation with the coastal States, Indian tribes, local
17 governments, and non-governmental organizations,
18 shall complete and submit to the Congress a report
19 identifying the source of marine debris, examining
20 the ecological and economic impact of marine debris,
21 alternatives for reducing, mitigating, preventing, and
22 controlling the harmful affects of marine debris, the
23 social and economic costs and benefits of such alter-
24 natives, and recommendations regarding both do-
25 mestic and international marine debris issues.

1 (2) CONTENTS.—The report submitted under
2 paragraph (1) shall provide recommendations on—

3 (A) establishing priority areas for action to
4 address leading problems relating to marine de-
5 bris;

6 (B) developing an effective strategy and
7 approaches to preventing, reducing, removing,
8 and disposing of marine debris, including
9 through private-public partnerships;

10 (C) providing appropriate infrastructure
11 for effective implementation and enforcement of
12 measures to prevent and remove marine debris,
13 especially the discard and loss of fishing gear;

14 (D) establishing effective and coordinated
15 education and outreach activities; and

16 (E) ensuring Federal cooperation with, and
17 assistance to, the coastal States (as defined in
18 section 304(4) of the Coastal Zone Management
19 Act of 1972 (16 U.S.C. 1453(4))), Indian
20 tribes, and local governments in the identifica-
21 tion, determination of sources, prevention, re-
22 duction, management, mitigation, and control of
23 marine debris and its adverse impacts.

24 (3) ANNUAL PROGRESS REPORTS.—Not later
25 than 2 years after the date of the enactment of this

1 Act, and every year thereafter, the Committee,
2 through the chairperson, shall submit to the Com-
3 mittee on Commerce, Science, and Transportation of
4 the Senate and the Committee on Resources of the
5 House of Representatives a report that evaluates
6 United States and international progress in meeting
7 the purposes of this Act. The report shall include—

8 (A) the status of implementation of the
9 recommendations of the Committee and anal-
10 ysis of their effectiveness;

11 (B) a summary of the marine debris inven-
12 tory to be maintained by the National Oceanic
13 and Atmospheric Administration;

14 (C) a review of the National Oceanic and
15 Atmospheric Administration program author-
16 ized by section 3 of this Act, including projects
17 funded and accomplishments relating to reduc-
18 tion and prevention of marine debris;

19 (D) a review of United States Coast Guard
20 programs and accomplishments relating to ma-
21 rine debris removal, including enforcement and
22 compliance with MARPOL requirements; and

23 (E) estimated Federal and non-Federal
24 funding provided for marine debris and rec-
25 ommendations for priority funding needs.

1 (f) MONITORING.—The Administrator, in cooperation
 2 with the Administrator of the Environmental Protection
 3 Agency, shall utilize the marine debris data derived under
 4 this Act and title V of the Marine Protection, Research,
 5 and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.) to
 6 assist—

7 (1) the Committee in ensuring coordination of
 8 research, monitoring, education, and regulatory ac-
 9 tions; and

10 (2) the United States Coast Guard in assessing
 11 the effectiveness of this Act and the Act to Prevent
 12 Pollution from Ships (33 U.S.C. 1901 et seq.) in en-
 13 suring compliance under section 2201 of the Marine
 14 Plastic Pollution Research and Control Act of 1987
 15 (33 U.S.C. 1913).

16 (g) CONFORMING AMENDMENT.—Section 2203 of the
 17 Marine Plastic Pollution Research and Control Act of
 18 1987 (33 U.S.C. 1914) is repealed.

19 **SEC. 6. INTERNATIONAL COOPERATION.**

20 The Interagency Marine Debris Committee shall de-
 21 velop a strategy and pursue in the International Maritime
 22 Organization and other appropriate international and re-
 23 gional forums, international action to reduce the incidence
 24 of marine debris, including—

1 (1) the inclusion of effective and enforceable
2 marine debris prevention and removal measures in
3 international and regional agreements, including
4 fisheries agreements and maritime agreements;

5 (2) measures to strengthen and to improve
6 compliance with MARPOL Annex V;

7 (3) national reporting and information require-
8 ments that will assist in improving information col-
9 lection, identification and monitoring of marine de-
10 bris;

11 (4) the establishment of an international data-
12 base, consistent with the information clearinghouse
13 established under section 7, that will provide current
14 information on location, source, prevention, and re-
15 moval of marine debris;

16 (5) the establishment of public-private partner-
17 ships and funding sources for pilot programs that
18 will assist in implementation and compliance with
19 marine debris requirements in international agree-
20 ments and guidelines;

21 (6) the identification of possible amendments to
22 and provisions in the International Maritime Organi-
23 zation Guidelines for the Implementation of Annex V
24 of MARPOL for potential inclusion in Annex V; and

1 (7) when appropriate assist the responsible
2 Federal agency in bilateral negotiations to effectively
3 enforce marine debris prevention.

4 **SEC. 7. FEDERAL INFORMATION CLEARINGHOUSE.**

5 The Administrator, in coordination with the Com-
6 mittee, shall maintain a Federal information clearinghouse
7 on marine debris that will be available to researchers and
8 other interested parties to improve source identification,
9 data sharing, and monitoring efforts through collaborative
10 research and open sharing of data. The clearinghouse shall
11 include—

12 (1) standardized protocols to map locations of
13 commercial fishing and aquaculture activities using
14 Geographic Information System techniques;

15 (2) a world-wide database which describes fish-
16 ing gear and equipment, and fishing practices, in-
17 cluding information on gear types and specifications;

18 (3) guidance on the identification of types of
19 fishing gear fragments and their sources developed
20 in consultation with persons of relevant expertise;
21 and

22 (4) the data on mapping and identification of
23 marine debris to be developed pursuant to section
24 3(b)(1) of this Act.

1 **SEC. 8. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATOR.—The term “Adminis-
4 trator” means the Administrator of the National
5 Oceanic and Atmospheric Administration.

6 (2) COMMITTEE.—The term “Committee”
7 means the Interagency Marine Debris Committee es-
8 tablished by section 5 of this Act.

9 (3) UNITED STATES EXCLUSIVE ECONOMIC
10 ZONE.—The term “United States exclusive economic
11 zone” means the zone established by Presidential
12 Proclamation Numbered 5030, dated March 10,
13 1983, including the ocean waters of the areas re-
14 ferred to as “eastern special areas” in article 3(1)
15 of the Agreement between the United States of
16 America and the Union of Soviet Socialist Republics
17 on the Maritime Boundary, signed June 1, 1990.

18 (4) MARPOL; ANNEX V; CONVENTION.—The
19 terms “MARPOL”, “Annex 5”, and “Convention”
20 have the meaning given those terms in paragraphs
21 (3) and (4) of section 2(a) of the Act to Prevent
22 Pollution from Ships (33 U.S.C. 1901(a)).

23 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

24 There are authorized to be appropriated for each fis-
25 cal year 2006 through 2010—

1 (1) to the Administrator for the purpose of car-
2 rying out sections 3 and 7 of this Act, \$10,000,000,
3 of which no more than 10 percent may be for ad-
4 ministrative costs; and

5 (2) to the Secretary of the Department in which
6 the Coast Guard is operating, for the use of the
7 Commandant of the Coast Guard in carrying out
8 sections 4 and 6 of this Act, \$5,000,000, of which
9 no more than 10 percent may be used for adminis-
10 trative costs.

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